

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

MFA.No. 286 of 2003(A)

OPMV.14/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT: RESPONDENTS 1 AND 2 IN THE O.P.

- 1. WILLIAM K.DANIEL, S/O.DANIEL,
KANNAMPUZHA HOUSE, NEAR LOURDE CHURCH,
EAST FORT, THRISSUR.**
- 2. FRANCIS K.DANIEL, KANNAMPUZHA HOUSE,
NEAR LOURDE CHURCH, EAST FORT,
THRISSUR.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: PETITIONER & RESPONDENTS 3 & 4 IN THE O.P

- 1. K.P.PAULSON, S/O.PYLAPPAN,
KAITHARAN HOUSE, KRISHNAPURAM P.O.
KALATHODE, THRISSUR.**
- 2. A.J.JAMES, S/O.THOMAS, ARAKKAL
HOUSE, MUNDATHIKODE P.O., THRISSUR.**
- 3. NATIONAL INSURANCE COMPANY LIMITED,
THRISSUR.**

BY ADV. SRI.K.N.PADMAKUMAR

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON
ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P. NO. 1384 OF 2003 IN

M.F.A. NO. 286 OF 2003

DISMISSED.

9.4.2007

ID/- K. PADMANABHAN NAIR, JUDGE.

APPENDIX

**ANNEXURE - I TRUE COPY OF THE AGREEMENT ENTERED INTO
BETWENN THE APPELLANTS AND FIRST RESPONDENT DATED 10.10.2001**

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 286 OF 2003

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Dated this the 13th day of April, 2007

J U D G M E N T

Head. Admitted. Advocate Shri K.N. Padmakumar taken notice for the first respondent. Notice to the other respondents dispensed with.

2. It is submitted by the learned counsel for the appellants that the matter has been settled between the claimant and appellants and they paid the compensation due to the claimant. It is also submitted that though the Tribunal awarded a sum of Rs.76,500/- with interest, the matter was settled for Rs.60,000/- and the claimant received the said amount also. The agreement entered into between the appellants and claimant settling the matter is also produced, which is recorded and marked as Annexure-I. Learned counsel for the respondent claimant also submitted that the matter has been settled out of Court. So the appeal is to be disposed of in terms of the settlement.

In the result, the appeal is allowed and the award passed by the Motor Accidents Claims Tribunal, Thrissur in O.P(MV) No.14 of 1996 is modified in terms of the compromise entered into between the appellant and the claimant. Since the amount covered by the compromise had already been paid and received by the claimant, there is nothing to be executed also. Annexure-I agreement will form part of this judgment.

K. PADMANABHAN NAIR, JUDGE.

K. PADMANABHAN NAIR, J.

M.F.A. NO. 286 OF 2003

J U D G M E N T

13TH APRIL, 2007